

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NORMAN F. WILLOVER,

No. C 04-01240 WHA

Petitioner,

v.

**ORDER LIFTING STAY AND
REQUIRING RESPONDENT TO
ANSWER**

A. K. SCRIBNER,

Respondent.

INTRODUCTION


Petitioner Norman F. Willover, who is imprisoned for murder, attempted murder and aggravated mayhem, moves to have the Court lift the stay in the above-named case. The case was stayed so that petitioner could pursue an unexhausted claim before the state Supreme Court. Counsel for petitioner informed the Court on March 27, 2006, that, after gathering additional evidence, he decided not to petition the state Supreme Court on that claim because there was no grounds for doing so. The **STAY IS THEREFORE LIFTED**.

On June 25, 2004, the Court ordered the respondent Scribner to show cause why the original petition should not be granted. Petitioner then filed an amended petition deleting that unexhausted claim. Now that petitioner concedes the claim is not viable, the parties and the Court are free to proceed using the amended petition. The order to show cause of June 25, 2004, applies to the amended petition. Respondent is not, of course, required to answer the claim in the original petition that was not exhausted.

1 **RESPONDENT SHALL FILE AND SERVE UPON PETITIONER, BY MAY 30, 2006, AN**
2 **ANSWER** conforming to Rule 5 of the Rules Governing Section 2254 Cases in the United States
3 District Courts. Respondent shall, by that date, also serve all other materials required by
4 Habeas Local Rule 2254-6(b). The record must be indexed. If petitioner wishes to respond to
5 the answer, he shall file a **TRAVERSE WITH THE COURT AND SERVE IT UPON RESPONDENT**
6 **WITHIN THIRTY DAYS OF THE FILING OF THE ANSWER.** There will be no immediate case
7 management conference.

8
9 **IT IS SO ORDERED.**

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11 Dated: March 28, 2006



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE